

Thus, Rule 56 anticipates that if appropriate, a party may move for summary judgment once a full record has been developed regarding the relevant issue or issues. Defendants are not required at the pleading stage of a lawsuit to support the defenses that they have asserted in their Answer to the Complaint with factual evidence or legal authority.

Discovery is not scheduled to close until June 24, 2020. If, after the close of discovery, Defendants move for summary judgment and support their arguments with citations to the record and/or legal authority, then Plaintiff can oppose their motion with evidence that is supported by the record and legal arguments. Plaintiff also may, but is not required to, submit his own motion for summary judgment at that time. Therefore Plaintiff's motion is premature and will be dismissed without prejudice to be asserted at the appropriate time.

THEREFORE, it is hereby ORDERED that Plaintiff's motion for summary judgment is dismissed without prejudice and can be reasserted, if appropriate, after the close of discovery.

SO ORDERED this 1st day of June, 2020,

/s/ Patricia L. Dodge
Patricia L. Dodge
United States Magistrate Judge

Cc: Oracio Sanchez, Jr.
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